

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 01, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARIA J.,

Plaintiff,

v.

ANDREW M. SAUL, Commissioner
of the Social Security Administration,

Defendant.

No: 2:20-CV-00242-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 18. The Plaintiff is represented by Attorney David L. Lybbert. The Defendant is represented by Special Assistant United States Attorney Alexis Toma.

After consideration, **IT IS HEREBY ORDERED** that the Stipulated Motion for Remand, ECF No. 21, is **GRANTED**. The Commissioner's final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security, the Appeals Counsel should remand this case to the Administrative Law Judge (ALJ). On remand, the ALJ shall do the following: (1) offer Plaintiff the

1 opportunity for a de novo hearing; (2) if necessary, send Plaintiff for a consultative
2 examination and/or call a medical expert to give testimony about the extent of the
3 her limitations; (3) re-evaluate the medical opinion evidence and prior
4 administrative medical findings; (4) re-evaluate Plaintiff's symptom testimony; (5)
5 re-assess Plaintiff's residual functional capacity; (6) continue with the sequential
6 evaluation process, as necessary; and (7) issue a new decision.

7 The parties stipulate that this case be reversed and remanded to the ALJ on
8 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
9 matter is remanded to the Commissioner for additional proceedings pursuant to
10 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will
11 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §
12 2412(d).

13 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
14 Judgment, **ECF No. 13**, is **DENIED** as moot, given the parties' motion for
15 remand.

16 The District Court Executive is hereby directed to enter this Order and
17 provide copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the
18 file.

19 **DATED** June 1, 2021.

20
21 s/Fred Van Sickle
Fred Van Sickle
Senior United States District Judge